

Article 6: Stopping, Standing and Parking

§86.01 Nonenforcement Days

The parking meter and time restrictions imposed under or pursuant to the authority of this Article shall not apply on Sundays, or upon the calendar dates on which New Year's Day, Martin Luther King, Jr.'s Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day, are celebrated. The City Council may however, by resolution or ordinance, prohibit or limit parking on any street during all or certain hours of any such day and such limitation or prohibition shall be effective only when appropriate signs giving adequate notice thereof are erected or placed upon such street.

(Amended 11-28-1994 by O-18110 N.S.)

§86.02 Parking

No person shall park, stand or stop any vehicle unless both right wheels are within eighteen inches (18") of the curb or edge of the street, subject, however, to the provisions of Sections 86.02.1 and 86.02.2. When lines indicating parking stalls are designated on the surface of a street, no person shall park, stand, or stop any vehicle unless such vehicle is entirely within the limits of such parking stall.

(Amended 12-29-1976 by O-11975 N.S.)

§86.02.1 One-Way Street Parking

The City Council may by Resolution permit parking of vehicles adjacent to and within 18 inches of the left-hand curb of a one-way street. No person shall park a vehicle on such one-way street with the vehicle facing in a direction other than in the permitted direction of travel.

(“One-Way Street Parking” added 4-10-1956 by O-6936 N.S.)

§86.02.2 Exception

The provisions of Section 86.02 shall not apply to a duly licensed commercial passenger bus if the variations from the requirements of said section are reasonably necessary to accomplish the loading or unloading of passengers on or from such vehicle for a period of time necessary to accomplish said loading or unloading of passengers.

("Exception" added 12-29-1976 by O-11975 N.S.)

§86.03 Angle Parking

The City Council may by resolution permit angle parking on any street. Lines indicating such angle parking shall be shown upon the surface of such street.

The City Council may by resolution designate certain days or limited time periods when angle parking shall be observed. No lines shall be shown upon the street for such limited period, but such restriction shall be effective when appropriate signs giving notice thereof are erected.

("Angle Parking" added 4-10-1956 by O-6936 N.S.)

§86.03.1 Passenger Loading Zones

Notwithstanding Section 86.01, no person shall stop, stand or park any vehicle in any "Passenger Loading Zone" for a period of time longer than is necessary for the loading or unloading of passengers and baggage; provided that such loading or unloading shall not consume more than three (3) minutes, except in front of hotels where such loading or unloading shall not consume more than ten (10) minutes.

Passenger Loading Zones shall be operative twenty-four (24) hours a day (Sundays and holidays included); provided, however, that the City Manager may determine and declare limited periods during which any "Passenger Loading Zone" shall be operative, and such limited operative period shall be effective when appropriate signs giving notice thereof are erected.

(Amended 5-1-1975 by O-11577 N.S.)

§86.04 Parking Time Limit

The City Council may by resolution determine the parking time limit on any designated street or portion thereof. Such limitations shall be effective when appropriate signs giving notice thereof are erected upon such street.

(Amended 4-10-1956 by O-6936 N.S.)

§86.05 Tow-Away Zones

The City Council may by resolution prohibit the parking or standing of vehicles on any street or portion thereof between the hours of 7:00 a.m. and 7:00 p.m. and authorize the removal of any vehicles so parked or standing from such street under or pursuant to Section 81.09.

(Amended 4-10-1956 by O-6935 N.S.)

§86.06 Parking, Standing, Loading Zones, Street Sweeping Zones

Except as provided in Section 75.0604 of this Municipal Code for establishment of jitney holding zones, the City Manager is hereby authorized to determine the location of Loading Zones, Passenger Loading Zones, Bus Loading Zones, Taxi Zones, prohibited Standing or Parking Zones, Time-Limited Parking Zones of 30 Minutes or Less, Safety Zones, Disabled Persons Parking Zones, Alley Parking Zones, Consular Parking Zones, and Street Sweeping Zones. Such zones shall be effective when appropriate signs or curb markings giving notice thereof are erected upon such zones.

(Amended 4-12-1999 by O-18634 N.S.)

§86.07 Temporary No Parking

The Chief of Police is authorized to erect or place temporary "No Parking" signs on streets or portions thereof:

- (a) Where such street is undergoing repairs, construction or the installation of underground utilities; or,
- (b) Where the use of such street is authorized for purposes other than the normal flow of traffic; or,
- (c) Where such street is being used for the movement of equipment, articles or structures of unusual size. Such temporary "No Parking" signs shall be erected or placed at least 24 hours prior to the removal of any vehicles under or pursuant to Section 81.09.

(Amended 4-10-1956 by O-6936 N.S.)

§86.08 Vehicles Backed to Curb

- (a) No person shall park or stand any vehicle backed into the curb or headed into the curb in the Central Traffic District between the Hours of 10:00 a.m. and 6:00 p.m.

- (b) No person shall park or stand any vehicle backed into the curb or headed into the curb on any highway designated as a through highway between the hours of 4:00 p.m. and 6:00 p.m.
- (c) The City Manager may prohibit the parking or standing of any vehicle backed into the curb or headed into the curb on any street. Such prohibition shall be effective when appropriate signs giving notice thereof are erected upon such street.
- (d) No person shall park or stand a vehicle backed into the curb or headed in to the curb in such a fashion as to use more than 1/3 the width of any through street or street in any business district, nor to leave less than 20 feet of open traffic way for passing vehicles. The provisions of this section shall not apply to areas designated for angle parking under the provisions of this Article, provided, however, that no vehicle parked or stopped in an angle parking area shall project into the street beyond passenger vehicles so angle parked.

(Amended 4-10-1956 by O-6936 N.S.)

§86.08.1 Parking on a Grade

No person driving, or in control of, or in charge of, a motor vehicle shall permit it to stand on any highway unattended when upon any grade exceeding three percent (3%) within any business or residence district without blocking the wheels of said vehicle by turning the front wheels diagonally against the adjacent curb so as to prevent the vehicle from rolling down said grade.

(Renumbered from Sec. 86.01.1 on 4-10-1956 by O-6936 N.S.)

§86.09 Standing or Parking in Specified Places Prohibited

No person shall park or stand a vehicle:

- (a) Within fifty (50) feet in advance of a Stop sign, Yield sign, traffic signal, or marked crosswalk when appropriate signs or markings are in place prohibiting such parking or standing of the vehicle.
- (b) Within fifty (50) feet of the prolongation of an intersecting roadway curb or pavement edge when appropriate signs or markings are in place, except buses at a designated bus zone.
- (c) In any designated taxicab zone, except properly licensed taxicabs.
- (d) In such a manner as to obstruct the free use of the street.

- (e) In violation of any sign or curb marking limiting or regulating the parking or standing of a vehicle.
- (f) In violation of any sign or red curb marking prohibiting the parking or standing of a vehicle.

(Amended 9-11-1995 by O-18205 N.S.)

§86.09.1 Parking on Private Property — Prohibited

No person shall park a vehicle in a private driveway or on private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property.

(“Parking on Private Property — Prohibited” added 7-13-1971 by O-10614 N.S.)

§86.09.2 Parking or Standing in Disabled Persons Parking Zones

No person shall park or stand any vehicle in a Disabled Persons Parking Zone unless the operator or the passenger being transported by said vehicle, is physically disabled and the vehicle displays a license issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code.

Disabled Persons Parking Zones shall be operative twenty-four (24) hours a day (Sundays and holidays included); provided, however, that the City Manager may determine and declare limited periods during which any Disabled Persons Parking Zone shall be operative, and such limited operative period shall be effective when appropriate signs giving notice thereof are erected.

(“Parking or Standing in Disabled Persons Parking Zones” added 7-7-1976 by O-11860 N.S.)

§86.09.3 Parking or Standing in Consular Parking Zones

No person shall stop or stand any vehicle in a "Consular Parking Zone" unless the person is a consular officer or employee in a consulate and the vehicle displays a distinguishing consular license plate.

Consular Parking Zones shall be operative twenty-four (24) hours a day (Sundays and holidays included); provided, however, that the City Manager may determine and declare limited periods during which any "Consular Parking Zone" shall be operative, and such limited operative period shall be effective when appropriate signs giving notice thereof are erected.

(“Parking or Standing in Consular Parking Zones” added 7-10-1978 by O-12385

N.S.)

§86.09.04 Parking or Standing in Fire Apparatus Access Roadways

No person shall park or stand any vehicle on public or private property in a Fire Apparatus Access Roadway where signs prohibiting the obstruction of such roadway have been posted pursuant to Section 55.10.207 of this Code.

This prohibition against parking or standing vehicles in designated Fire Apparatus Access Roadways shall be operative twenty-four (24) hours a day (Sundays and holidays included).

(“Parking or Standing in Fire Apparatus Access Roadways” added 2-28-1983 by O-15907 N.S.)

§86.09.05 Parking or Standing in Designated Street Sweeping Zones at Certain Posted Times

No person shall park or stand any vehicle in a designated "Street Sweeping Zone", established pursuant to San Diego Municipal Code Section 86.06 and Section 22507.6 of the California Vehicle Code.

Street Sweeping Zones shall be operative during days and times determined by the City Manager. The operative days and times shall be posted on the appropriate signs erected pursuant to Section 86.06.

(“Parking or Standing in Designated Street Sweeping Zones at Certain Posted Times” added 11-7-1983 by O-16077 N.S.)

§86.09.06 Parking in Excess of Seventy-Two (72) Hours Prohibited

No person shall park or cause to be parked or allow to remain standing any vehicle upon any street or highway in excess of seventy-two (72) consecutive hours.

(“Parking in Excess of Seventy-Two (72) Hours Prohibited” added 7-16-1984 by O-16239 N.S.)

§86.10 Stopping or Standing in Loading Zones

No person shall stop or stand any vehicle in a "Loading Zone" for a period of time longer than is necessary for the loading or unloading of passengers or materials. No vehicles except motor trucks and commercial vehicles shall stop, stand or park in such zone for the purpose of loading or unloading materials, goods or merchandise. Such loading or unloading shall not consume more than three (3) minutes for passengers nor more than twenty minutes for materials, goods or merchandise.

Loading Zones shall be operative between 6:00 A.M. and 6:00 P.M. excepting Sundays and Holidays; provided, however, that the City Manager may determine and declare other hours during which any Loading Zone shall be operative, and such operative period shall be effective when appropriate signs giving notice thereof are erected upon such street.

(Amended 4-10-1956 by O-6936 N.S.)

§86.10.2 Same — Bus Loading Zone

It shall be unlawful for any vehicle to stop, stand or park in any bus loading zone, except a bus engaged in intra-city transportation of passengers.

(Renumbered from Sec. 86.03.2 on 4-10-1956 by O-6936 N.S.)

§86.10.3 Parking in Alleys

Except in Alley Parking Zones as designated and posted pursuant to Section 86.06 of this Code, no person shall stop or stand any vehicle in an alley for a period of time longer than is necessary for the loading or unloading of passengers or materials. Such loading or unloading shall not consume more than three (3) minutes for passengers nor more than twenty (20) minutes for materials. No person shall stop or stand any vehicle in an alley in such a manner that would prevent the passage of emergency vehicles.

(Amended 7-16-1975 by O-11651 N.S.)

§86.10.4 Standing or Loading only In Certain Places — Sight Seeing Bus Loading Zone

Between the hours of 6:00 o'clock a.m. and 6:00 o'clock p.m. (Sundays and holidays included) it shall be unlawful for the driver of any vehicle, other than a sight seeing bus, to stop, stand or park said vehicle in any sight seeing bus loading zone.

(Renumbered from Sec. 86.03.5 on 4-10-1956 by O-6936 N.S.)

§86.11 Parking Meter Zones and Rates—Authority

The City Council may by ordinance establish and define parking meter zones and parking meter rates under the authority of Section 22508 of the California Vehicle Code.

The Council hereby establishes that the hourly parking rate shall be one dollar (\$1.00) per hour, or twenty-five cents (\$.25) for each fifteen (15) minute interval or part thereof. In any parking meter zone, when any vehicle shall be parked in any space

alongside of or next to which a parking meter is located in accordance with the provisions of this chapter, the operator of said vehicle shall, upon entering said parking space, immediately cause to be deposited coins in the appropriate denomination according to the time interval desired within the maximum limit and the posted parking rates.

(Amended 8-10-1992 by O-17817 N.S.)

§86.12 Parking Meters — Parking Regulated

The City Manager is hereby instructed to have lines or markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be used, and each vehicle parking alongside of or next to any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this Article to park any vehicle across any such line or marking or to park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

When a parking space in any parking meter zone is paralleled to the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and nearest the parking meter; when a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directly at and nearest to such meter.

(Amended 12-28-1961 by O-8571 N.S.)

§86.13 Parking Meter Zones — Established

All parking meter zones heretofore established shall be and remain in effect, and the parking meter rate which shall apply in said zone shall be Rate Zone A.

When parking meter zones are hereafter established or when it is determined by the City Council that there is a need for reconsideration and revision of the applicable parking meter rate zone to existing parking meter zones, the City Manager shall make a survey of the area involved.

The City Manager's survey shall be directed toward an analysis of the efficiency, safety and regulation of the traffic upon the public streets. The City Manager shall recommend areas in which new parking meter zones shall be established, recommend changes in old parking meter zones and the parking meter rate zone which shall apply in such areas. The Manager's recommendation shall be based upon the following considerations:

- (a) Character of the neighborhood;
- (b) Density of metering;

- (c) Amount and type of off-street parking;
- (d) Relative vehicle turnover;
- (e) Such other information as the Council may require or the Manager may deem appropriate.

The regulation of traffic by parking meters and the deposit of coins in such parking meters shall become effective upon the installation of appropriate parking meters and signs thereon, giving notice of such parking meter regulation and rate.

(Amended 12-28-1961 by O-8571 N.S.)

§86.14 Parking Meter — Overtime

No person shall permit a vehicle to remain parked in any parking meter zone when the meter shows the parking time has expired.

(Amended 7-30-1959 by O-8153 N.S.)

§86.15 Parking Meter — Extra Time Prohibited

- (a) No person shall permit a vehicle to remain parked beyond the period of legal parking time established for any parking meter zone.
- (b) No person shall deposit or cause to be deposited in a parking meter any coins for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

(Amended 7-30-1959 by O-8153 N.S.)

§86.16 Parking Meter — Time of Operation

Said parking meters shall be operated in said parking meter zones every day between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m., except Sundays and holidays; provided, however, that whenever the Council of The City of San Diego shall by resolution or ordinance provide that the parking time limits shall be effective at other times said parking meters shall be operating during all the times within which the parking time limit shall be effective.

(Incorp. 1-22-1952 by O-5046 N.S.)

§86.17 Parking Meter — Tampering With

It shall be unlawful for and a violation of the provisions of this Chapter for any unauthorized person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meters installed under the provisions of this Chapter.

(Incorp. 1-22-1952 by O-5046 N.S.)

§86.18 Parking Meter — Slug or Device Prohibited

It shall be unlawful and a violation of the provisions of this Chapter to deposit or cause to be deposited in any parking meter any slug, device or substitute for a lawful coin of the United States.

(Incorp. 1-22-1952 by O-5046 N.S.)

§86.19 City Parking Facilities — Regulated

The City Manager shall have the authority to provide and define parking areas on property or parking lots owned, leased, or operated by The City of San Diego in which officers and employees of The City of San Diego shall be permitted to park motor vehicles without restriction as to time; any such areas reserved exclusively for the use of such officers and employees shall be adequately marked and posted so as to clearly define the areas thus reserved.

No person shall park any motor vehicle or leave same unattended in any parking area of such parking lot which is reserved for the exclusive use of officers or employees of The City of San Diego, unless the vehicle has a valid permit attached thereto, under the provisions of this section.

Permission and authority for the parking of motor vehicles in the areas reserved for the exclusive use of officers and employees of The City of San Diego shall be manifested by appropriate permits on windshield stickers issued by the City Manager, which said permits shall be attached to the windshield of the motor vehicle of such officer or employee. The City Manager is hereby authorized to reissue such permits as circumstances may require.

No officer or employee of The City of San Diego shall park or leave unattended in areas of any parking lots which have been restricted for the use of the public any vehicle bearing a permit issued under the provisions of this section, except at such times and under such circumstances as may be established by the City Manager.

(Amended 4-17-1989 by O-17280 N.S.)

§86.19.1 City Parking Facilities — Parking in Marked Zones and Stalls

It shall be unlawful for any person to park or leave unattended any motor vehicle in any parking facility owned, leased, or operated by The City of San Diego except in areas distinctly marked for parking and only in areas marked with lines designating parking spaces.

(Amended 4-17-1989 by O-17280 N.S.)

§86.19.2 City Parking Facilities — Penalty, Impounding of Vehicles Authorized

No person shall park a vehicle for more than seventy-two (72) hours on a parking facility owned, leased, or operated by The City of San Diego. The Police Department shall have the right to impound any vehicle found parked in said parking facilities in violation of any of the terms and provisions of this code. In impounding said vehicles the members of the Police Department shall insofar as practicable follow the provisions of Section 22852 of the Vehicle Code of the State of California. No vehicle may be removed from said parking facilities under the provisions of this code unless signs are posted in said parking facilities which give notice of the restrictions as to parking governing the area in which said vehicle may be found.

(Amended 4-17-1989 by O-17280 N.S.)

§86.19.3 Disabled Parking in City Parking Facilities

- (a) The City Manager is hereby authorized to designate stalls or spaces in publicly-owned, leased, or controlled off-street parking facilities for the exclusive use of physically disabled persons whose vehicles display either one of the distinguishing license plates issued for disabled persons pursuant to Section 22511.5 of the California Vehicle Code or for disabled veterans, as specified in Section 9105 of the California Vehicle Code.

Such designation shall be made by posting immediately adjacent to, and visible from, each stall or space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

There shall also be posted immediately adjacent to, and visible from, such stall or space a sign which clearly and conspicuously states the following:

Unauthorized vehicles not displaying distinguishing license plates issued for physically disabled persons will be issued citations.

- (b) No person shall stand or park a vehicle within a stall or space designated for the physically disabled within an off-street parking facility owned, leased, or

operated by The City of San Diego unless the vehicle displays distinguishing license plates issued for disabled persons.
(*“Disabled Parking in City Parking Facilities” added 4-17-1989 by O-17280 N.S.*)

§86.19.4 City-Owned Parking Facilities — Santa Clara Point — Parking of Boats Prohibited

Notwithstanding the provisions of Section 86.19.2, no person shall park a boat or unattached boat trailer on Santa Clara Point parking facilities from 2:00 a.m. to 5:00 a.m. daily, including holidays and Sundays. The Police Department shall have the right to impound any boat or unattached boat trailer found parked in said parking facilities in violation of the terms of this section. In impounding said boats and unattached boat trailers, the members of the Police Department shall, insofar as practicable, follow the provisions of Section 22852 of the Vehicle Code of the State of California. No boat or unattached boat trailer may be removed from said parking facilities under the provisions of this Code unless signs are posted in said parking facilities which give notice of the restrictions stated herein. Nothing herein shall prohibit the parking on Santa Clara Point parking facilities of a boat or boat trailer between 2:00 a.m. and 5:00 a.m., if such boat or trailer is attached to a motor vehicle.
(*“City-Owned Parking Facilities — Santa Clara Point — Parking of Boats Prohibited” added 4-27-1977 by O-12057 N.S.*)

§86.22 Display of Warning Devices When Commercial Vehicle Disabled

Every motor truck having an unladen weight of 4,000 pounds or more, and every truck tractor irrespective of weight when operated upon any highway outside of any business or residence district and upon which highway there is insufficient street lighting to reveal a vehicle at a distance of 200 feet during the time specified in Section 618 of the Vehicle Code of the State of California, shall be equipped with and carry at least two flares or lights or reflectors when reflectors shall be of a type approved by the California Department of Motor Vehicles. When any vehicle above-mentioned or any trailer or semi-trailer is disabled on the roadway or within 10 feet thereof at any time mentioned in said Section 618, a warning signal of the character indicated above shall be immediately placed at a distance of approximately 100 feet in advance of and 100 feet to the rear of such disabled vehicle. The warning signals herein mentioned shall be displayed continuously during the times mentioned in said Section 618 while such vehicle remains disabled upon the roadway or within 10 feet thereof.
(*Renumbered from Sec. 86.09 on 4-10-1956 by O-6936 N.S.*)

§86.23 Use Of Streets For Storage, Service or Sale Of Vehicles or For Habitation Prohibited

- (a) No person shall stand or park any vehicle upon any street while displaying such vehicle for sale or while selling merchandise therefrom unless authorized by other provisions of this Code. A vehicle shall not be considered to be displayed for sale when it is parked on a public street if the vehicle contains a for sale sign not greater than eight and one-half inches (8 1/2") by eleven inches (11") and the sign is placed on a side window and presents no impediment to the view of the driver when the vehicle is in operation.
- (b) No person shall stand or park any vehicle upon any street for the purpose of servicing or repairing such vehicle, except in an emergency.
- (c) No person shall stand or park any vehicle upon any street in any business district or upon any through highway for the purpose of washing or polishing such vehicle.
- (d) No person who deals in or whose business involves the sale, lease, rental or charter of vehicles shall store, park, or stand any such vehicle upon any public street except while such vehicle is under lease, rental, or charter by a customer. This Section shall not apply to vehicles regulated by Sections 75.0101 through 75.0603 of this Code.
- (e) No person whose business involves the repair and/or servicing of vehicles and/or vehicle components shall store, stand or park any vehicle upon any public street after that person has accepted custody of the vehicle from the customer.
- (f) No person shall use a vehicle while it is parked or standing upon any street as either temporary or permanent living quarters, abode or place of habitation either overnight or day by day.
- (g) No person shall store or cause to be stored any vehicle upon any street. A vehicle shall be considered stored when it has been left standing on a street without having been moved more than one-tenth (1/10th) of a mile within a seventy-two (72) consecutive hour period.
- (h) No person shall leave standing or cause or allow to be left standing any inoperable vehicle on any street for more than four (4) consecutive hours. A vehicle is considered to be inoperable when it is wrecked, burned, dismantled, or lacks a motor, transmission or wheel or wheels, or is on blocks, or is

otherwise incapable of being driven upon the highways in conformity with the requirements of the California Vehicle Code.

- (i) No person shall park an unattached semitrailer or auxiliary dolly upon any street except for the purpose of loading or unloading. Camp trailers, utility trailers, and auxiliary dollies used in conjunction with a camp trailer or a utility trailer are exempt from this provision.

(Amended 6-10-1996 by O-18312 N.S.)

§86.24 Stopping, Standing or Parking On Grade Separations

No person shall stop, stand or park any vehicle in or upon any grade separation, except in the event of an emergency or when necessary to avoid injury or damage to persons or property, or in compliance with the direction of a member of the Police Department or other authorized person; or with the direction of a sign or signal.

(“Stopping, Standing or Parking On Grade Separations” added 4-10-1956 by O-6936 N.S.)

§86.24.1 Removal of Vehicles From Grade Separations

When any vehicle in or on any grade separation is stopped for any reason and is obstructing or may obstruct the flow of traffic, any member of the Police Department may move such vehicle or have such vehicle moved to the nearest terminus of said grade separation and beyond to a place of safety. The registered owner or owners and the operator of such vehicle shall be responsible for all reasonable charges for the moving services.

(“Removal of Vehicles From Grade Separations” added 4-10-1956 by O-6936 N.S.)

§86.25 Parking On Median Strip Prohibited

No person shall stop, stand or park a vehicle in or upon any median strip, unless parking is authorized on such median strip and appropriate signs permitting such parking are posted.

(“Parking On Median Strip Prohibited” added 4-10-1956 by O-6936 N.S.)

§86.26 Parking On Parkway Restricted

It is unlawful for any person to stop, stand, or park a vehicle in or upon any Parkway or upon any portion of a street between the sidewalk and property line unless all of the following conditions exist: (a) the vehicle is parked perpendicular to the curb, (b) the vehicle is parked within the extension of the driveway between the curb and sidewalk so that no part of the vehicle protrudes into the street or the sidewalk, and

(c) no vehicle is parked which alone, or in combination with other vehicles, would prevent ingress and egress between the street and residential driveway by an emergency vehicle using the left side of the driveway. Left side is oriented by a person facing the residence.

(Retitled to "Parking On Parkway Restricted" and amended 1-27-1997 by O-18379 N.S.)

§86.27 Parking of Heavy Duty Commercial Vehicles in Residential Districts

No person shall park any heavy duty commercial vehicle on a street in any residential district except (a) while loading or unloading property, or (b) when such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, or (c) such vehicle is parked immediately in front of or along side of premises actively devoted to industry or commerce and lying contiguous to the street. For the purpose of this section, certain terms shall be defined as follows:

- (a) Heavy duty commercial vehicle shall mean a commercial vehicle having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.
- (b) Residential district shall mean any district zoned residential in accordance with the zoning definitions established in Chapter 10 of the Municipal Code.

(Amended 6-11-1990 by O-17473 N.S.)

§86.28 Post-Storage Hearings for Impounded Vehicles

As to any vehicle impounded pursuant to this chapter by or at the request of The City of San Diego, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to request a post-storage hearing in person, in writing or by telephone to determine whether there was probable cause to impound the vehicle. Requests shall be made to The City of San Diego within ten (10) days after such person has learned such vehicle has been impounded or within ten (10) days after the mailing of the date set in the Notice of Stored Vehicle, whichever occurs first. The Notice of Stored Vehicle shall be sent in the mail to the legal and registered owner or their agent and to the garage where the vehicle is stored within forty-eight (48) hours, excluding weekends and holidays, after impounding and storage of the vehicle.

(Amended 4-4-1988 by O-17048 N.S.)

§86.29 Conduct of Hearing

A hearing shall be conducted before a hearing officer designated by the City Manager within forty-eight (48) hours of receipt of a demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and City holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

"Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered

or legal owner, or their agent to request a post-storage hearing in person, in writing or by telephone shall be deemed a waiver of the right to such hearing.
(Amended 4-4-1988 by O-17048 N.S.)

§86.30 Decisions of The Hearing Officers and Their Effect

The hearing officer shall only determine that as to the vehicle in issue either (a) there was probable cause to impound the vehicle or (b) there was no probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a Certificate of No Probable Cause, copies of which shall be given to the possessor of the vehicle and the Police Department. Upon receipt of the possessor's copy of such certificate, the Official Police Garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the City in accordance with arrangements made between the City and the Official Police Garages. If the possessor fails to present such certificate to the Official Police Garage having custody of the

vehicle within twenty-four (24) hours of its receipt, excluding such days when the Official Police Garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

(“Decisions of The Hearing Officers and Their Effect” added 1-21-1980 by O-15169 N.S.)

